

REMARKS

The above-noted amendments canceling claims 1-7 and adding in their place new claims 8-13 are respectfully submitted in response to the official action of August 22, 2006. The amendments have been submitted to more clearly define the present invention and to do so in accordance with the requirements of U.S. practice. Indeed, applicants submit that the amended claims in this application not fully and clearly define patentable subject matter over the art, including the reference cited herein, as will be discussed more fully below.

Claims 5-7 have been objected to under Rule 75(c) as being in improper form. However, in view of the cancellation of claims 5-7, it is believed that this objection has clearly been obviated.

The specification has been objected to for a number of reasons. However, in view of the above-noted amendments to the specification in accordance with the Examiner's suggestions, this objection has clearly also been obviated.

Claims 1-4 have been rejected as being anticipated by Wipf, U.S. Patent No. 6,591,963, under 35 U.S.C. § 102(a). Wipf is said to show in Figures 1-3 a multilevel variable capacity store including an endless conveyor arranged with an H-shaped pattern wherein the capacity of the store can be varied by displacing a transverse portion. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

The Wipf reference is directed to a storage apparatus which is said to overcome the prior art necessity for a belt crossover, which in turn is said to involve the risk of the position and spacing between the goods being altered. Thus, in accordance with the disclosure in the Wipf patent, a single endless and flexible conveying means 1, such as a conveyor belt,

is shown in Figure 1. As shown therein, the conveyor is subdivided into two groups including a storage strand and an idle strand, which can then be altered by moving carriage 2 therebetween. Figure 3 in the Wipf reference illustrates an embodiment where the carrier frame 3 is wound helically, and once again comprises a single conveyor belt throughout the entire apparatus.

This can be contrasted to the presently claimed invention. In claim 8, for example, a variable capacity storage unit comprises a plurality of independent conveyor means, such as shown, for example, in applicants' Figures 5 and 10, as well as the figures following Figure 10. Thus, in each level in the array of conveyor belts therein a separate independent conveyor belt is utilized. Applicants then specifically provide for transfer means for transferring product from the active portion of one conveyor belt to the active portion of another conveyor belt. Furthermore, each of the conveyor belts can have its storage capacity altered by movement of each of the transverse portions of each of the plurality of conveyor belts along the elongated portions dividing same into an H-shaped pattern. Indeed, claim 12 requires two sets of variable capacity storage units displayed in a particular array as is set forth in that claim.

The differences between the presently claimed invention and the prior art are therefore clear, and it is quite apparent that an anticipation rejection is not appropriate in this case. In addition, it is further submitted that the presently claimed invention is clearly not obvious from Wipf because of the significant advantages of this claimed arrangement. Most particularly, the capacity of the overall storage unit can now be altered in a rapid and facile manner, since each independent layer can be independently adjusted. Furthermore, since the total length of the conveyor belt is

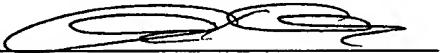
divided into much smaller units, this minimizes the tensional force in the overall system, which in turn minimizes frictional losses and allows for an overall structure of the system which is far lighter than that in references such as Wipf.

It is therefore respectfully submitted that newly submitted claims 8-13 are fully and clearly patentable over the art, including Wipf, and reconsideration and allowance of these claims is therefore respectfully solicited. If, however, for any reason the Examiner still does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any further objections which he might have to the allowance of this application.

Finally, if there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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